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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.4.2006

C O R A M :

THE HONOURABLE MR. JUSTICE P. SATHASIVAM
AND
THE HONOURABLE MR. JUSTICE J.A.K.SAMPATH KUMAR

H.C.P.NO.51 of 2006

Ranjit .. Petitioner

-Vs.-

1. The State of Tamil Nadu, rep.by
its Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-9.

2. The District Magistrate & District
Collector, Villupuram District,
Villupuram. .. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to produce the detenu Ravi @ Ravi Alex @ Alex Ravi before this Court, who is now confined at Central Prison, Cuddalore and set him at liberty and to call for the records pertaining to the order of detention passed in No.C2/66517 of 2005 dated 14.12.2005 passed by the second respondent and set aside the same.

For Petitioner : Mr.Sankarasubbu

For Respondents : Mr.Abudukumar Rajarathinam
Government Advocate (Crl. Side)

O R D E R

(ORDER OF THE COURT WAS MADE BY P.SATHASIVAM, J.)

The petitioner, the friend of the detenu, by name, Ravi @ Ravi Alex @ Alex Ravi, who was detained as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Boot-leggers, Drug

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Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) by the impugned order, dated 14.12.2005, challenges the same in this petition.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

3. At the foremost, the learned counsel for the petitioner, by drawing our attention to paragraph 5 of the grounds of detention, contended that though the detaining authority has very much relied on the bail application that was moved before this Court in Crl.O.P. No.33739 of 2005, and the same was pending on the date of passing of the detention order, the copy of the same was not furnished to the detenu, which prevented him from making effective representation. A perusal of para 5 of the grounds of detention shows that the detaining authority, after taking note of the fact that the detenu was in remand in Central Prison, Cuddalore in Crime No.914 of 2005 of Villupuram Town Police Station and has moved the bail application before the Sessions Court, Villupuram Sessions Division, Villupuram in Crl.M.P.No.13038 of 2005 and also considering the fact that the same was dismissed on 28.11.2005 and after recording that he was aware that the bail application, namely, Crl.O.P.No.33739 of 2005 moved before the High Court was pending, because of the same, there is imminent possibility of the detenu coming out on bail, since in similar cases orders are granted by this court after lapse of time, passed the impugned order of detention. The above reference makes it clear that the detaining authority has heavily relied upon the pendency of the bail application, viz., Crl.O.P.No.33739 of 2005 filed before the High Court and after noting the same and satisfying himself that there is imminent possibility of the detenu coming out on bail by the orders of the High Court in the said application, passed the detention order.

4. In such circumstances, we are satisfied that inasmuch as the detaining authority has heavily relied on the pendency of the bail application before this Court in respect of the imminent possibility of the detenu coming out on bail, it is but proper to supply copy of the same to the detenu, though the said application was moved by the detenu himself. We accept the objection raised by the learned counsel for the petitioner. On this ground, the detention order is liable to be quashed and, accordingly, it is quashed.

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5. The Habeas Corpus Petition is allowed and the detenu is directed to be set at liberty forthwith from custody, unless he is required in connection with any other case.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Secretaty to Government,
The State of Tamil Nadu,
Prohibition and Excise Department,
Fort St.George, Chennai-9.

2. The District Magistrate & District
Collector, Villupuram District,
Villupuram.

3. The Superintendent,
Central Prison, Chennai (in duplicate
for communication to detenu).

4. The Public Prosecutor
High Court, Madras.

5. The Joint Secretary to Government,
Public (Law and order) Fort St. George,
Chennai-9

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